

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, January 23, 2023

I. CALL MEETING TO ORDER

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Theresa Ulrich, Councilman William Chandler, Councilman Norwood Truitt, Councilman William Labor, Town Administrator Cynthia Brought, Chief Steven Flood via telephone, and Town Solicitor Greg Morris. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

No public comment was made.

III. PUBLIC HEARING

**A. RESOLUTION TO AMEND PERSONNEL POLICY MANUEL RELATING TO VACATION
POLICY OF ALL EMPLOYEES**

No public comment was made.

Councilman Truitt made a motion to approve the Resolution of the Personnel Policy Manual related to the Vacation Policy for all employees. Councilman Labor seconded the motion. All were in favor.

**DISCUSSION AND POSSIBLE VOTE ON PROPOSED RESOLUTION TO AMEND THE
PERSONNEL POLICY RELATED TO VACATION FOR ALL EMPLOYEES BY MAYOR AND
TOWN COUNCIL.**

Councilman Chandler asked for confirmation that the Vacation Policy will apply to all employees and would include both Police Department and Town Hall staff. Town Administrator Brought stated, "That is correct." Councilman Chandler asked if this policy would include a clear statement that vacation time can be accrued with no more than 10 days being rolled over into the next year, so that when staff resigns/retires, there would be a maximum of 10 days compensated at the time of departure from the Town. Town Administrator Brought stated, "That is correct."

Councilman Chandler made a motion to approve the amendment to the Town of Dagsboro's Personnel Leave Policy Manual, relating to Section 5-8, titled Vacation Leave Policy for all employees as it was presented. Councilman Labor seconded the motion. All were in favor.

IV. APPROVAL OF MINUTES

December 19, 2022 Regular Town Council Meeting Minutes

December 19, 2022 Executive Session Minutes

Councilman Truitt made a motion to approve the Regular Town Council and Executive Session Meeting Minutes. Councilman Labor seconded the motion. All were in favor.

V. CONSENT AGENDA

a. Police Department Report

Police Chief Flood, via telephone, stated that the light bar on the white Taurus was under warranty and we will only be charged for labor to have the work completed.

He also reported that they would be moving forward with a background check for an applicant to fill the vacancy in the police department.

- b. Treasurer's Report**
- c. Administrative Report**
- d. Building Official Report**
- e. Code Enforcement Report**
- f. Meeting Reports**
- g. Water Department Report**
- h. Prince George's Chapel Cemetery Report**
- i. Correspondence**

Town Administrator Brought stated that she found letters, dated 2008, that discussed the Town providing water to DeIDOT through an Agreement. Town Solicitor, Greg Morris asked, "Who drafted the agreement from 2008?". Town Administrator Brought stated, "Whoever the attorney was at the time." Mayor Baull stated, "That was Robert Witsil." Town Administrator Brought added that she had spoken with Engineering Consultant, Kyle Gulbranson and he remembers that DeIDOT was not interested in the Agreement, but they have changed their minds now.

Councilman Chandler asked if they had an Agreement with the National Guard to provide them with water at the same rates as all other residents. Vice-Mayor Ulrich stated that she remembers something about it. Town Administrator Brought stated that she has not seen anything relating to that but would check into it.

Councilman Chandler stated that the Town could provide water to DeIDOT and charge the same rate everyone else pays. Town Administrator Brought stated that Artesian would like to purchase our water line from outside of Town all the way to Millsboro but that is in our annexation area. Councilman Chandler stated that he would not be in favor of selling our water lines but would be in favor of the Town having an Agreement to provide DeIDOT with water and possibly others on that road may become

interested in being annexed in also. He added that he doesn't think there is a legal impediment to providing DeIDOT with water. Town Solicitor Morris stated, "I don't think there is a legal impediment to providing water to someone other than the town residents, if they are willing to accept an Agreement." Councilman Chandler asked Town Solicitor, Greg Morris, to look at the Agreement from 2008 and make any needed changes and they would see if DeIDOT is willing to accept it.

Councilman Labor asked, "How would this impact maintenance since this would be outside of Town limits?" Town Administrator Brought stated that they already service to where the Town's interconnection is and if there is a problem, the Town is responsible to get it fixed. DeIDOT would be responsible for having the meter pit installed and paying impact fees and if there is an issue on their side of the water line then they are responsible for fixing it. Vice-Mayor Ulrich stated that if anyone outside of Town wanted to connect to our water main, they would be able to. Town Administrator Brought stated, "Yes, and the Town would benefit from it."

Councilman Chandler stated that someday, they may want to discuss the option of Artesian purchasing the Town's infrastructure if they are interested. Town Administrator Brought stated, "They are interested in purchasing it." Councilman Labor stated that at that point, "What would Artesian be willing to offer us and would it be worth it with growth and everything that the Town would have to deal with." Town Administrator Brought stated that Artesian would then take over the billing and the Town would not have any income from it and after talking to Engineering Consultant Gulbranson, he feels it would benefit the Town to keep it, at this point.

Councilman Chandler made a motion to approve the consent agenda. Vice-Mayor Ulrich seconded the motion. All were in favor.

VI. NEW BUSINESS

a. Two Year Contract Chief of Police-Discussion and Vote

Town Administrator Brought stated that Chief Flood signed the two-year contract earlier that day and if everyone else agrees and if Chief Flood doesn't have any other questions, then it is ready to be signed by Mayor Baull. Mayor Baull asked Chief Flood, "Do you have any other questions on the contract or are you good with it?" Chief Flood, via telephone, stated, "Yes, I am good with it." Mayor Baull asked if anyone else had any questions.

Councilman Chandler moved to approve the two-year contract with Chief of Police. Councilman Labor seconded the motion. All were in favor.

b. Board of Adjustment Replacement/Vacancy Application, Term Renewals (Marjorie Eckerd 3-year term renewal and Carol Thompson replacement for Janice Kolbeck who moved to Planning & Zoning in 2021) and Vote.

Town Administrator Brought stated that the Board of Adjustment position has been vacant for over a year and thought that candidate, Carol Thompson, would be very qualified since she has been COA President for the Woodland's at Peppers Creek and worked with the Town in many ways while she held the position. She added that Carol is a smart businesswoman and has always been pleasant to work with.

Terrence Coffin of 29222 Shady Creek Lane asked, "What exactly is a Board of Adjustment and how does it work?" He questioned if it was an appeal process if something doesn't get approved with the Planning and Zoning or licensing. Councilman Chandler stated that Board of Adjustment is separate from Planning and Zoning. He added that the Board of Adjustment hears requests for variances due to a hardship and an applicant would make a plea to them for a zoning change. The Board of Adjustment would vote and if approved, then it would go to Town Council who would hear from the applicant and the Board of Adjustment and decide whether to approve the zoning change. Terrence Coffin asked if this is the step before it would go to Planning and Zoning. Councilman Chandler stated, "These requests go directly to Town Council for consideration." He added that Planning and Zoning is for proposed developments that are within in the zoning codes and Board of Adjustment is for when a project does not fit within the zoning codes, and someone is asking for an exception. Terrence Coffin stated that the Woodlands at Peppers Creek is sold out and the builders are slowly getting phased out and questions come up that they don't know the answers to. Councilman Chandler stated that he recommended first seeking legal counsel for advice and to reach out to Town Administrator Brought for questions they have.

Councilman Truitt made a motion to approve Marjorie Eckerd for a 3-year term and approve Carol Thompson as a new member with a 3- year term on the Board of Adjustment for the Town of Dagsboro. Vice-Mayor Ulrich seconded the motion. All were in favor.

c. Planning & Zoning Vacancy Application, Term Renewals (3 Year Renewals Brad Connor, Cathy Flowers and Earl Savage resignations along with Ed Burton Application) and Vote

Town Administrator Brought stated that she feels Ed Burton would be a good fit with Planning and Zoning because he shows an interest with the Town by coming into Town Hall and asking questions as to what is going on and wants to see the Town grow but is cautious. Councilman Chandler stated that Ed Burton has been a Town of Dagsboro resident for a long time and previously worked for Indian River School District for several years and had construction projects that he was involved in, so he is knowledgeable.

Councilman Chandler moved to approve the 3-year term renewals for Brad Connor and Cathy Flowers and to replace Earl Savage with Edward Burton. Councilman Labor seconded the motion. All were in favor.

d. Residential 5/8" Meter Price Increase Building Permit (now \$250 and paying \$270)

Town Administrator Brought stated that there has been a price increase on the water meters that the Town purchases from Master Meter. She added that prices are likely to increase again and hopes there is an easier way to adjust price changes when needed. Councilman Chandler stated that if the wording was changed in the Building Permit to the prevailing cost of 5/8" meters then the price can be adjusted when Master Meter increases their prices. Town Solicitor, Greg Morris agreed with Councilman Chandler and added that the Town would be receiving no profit from the water meters, just passing on the cost of the water meter to the customer.

Councilman Chandler made a motion for the Town to charge the prevailing cost for any water meter being installed in the Town's jurisdiction. Councilman Labor seconded the motion. All were in favor.

VI. OLD BUSINESS

a. Land Acquisition/Police & Meeting Room Construction Update

Town Administrator Brought stated that they would still proceed with a 2-story building but possible changes in the architectural design and have parking in the rear of the Police Department to allow for a gated parking lot to keep police and impounded vehicles secure. Prisoners would enter from the rear of the building and proposed is possibly 25 parking spots in the front for Town Hall Meetings, etc. and the Police Station would also have an entrance to the Meeting Room.

Councilman Chandler asked, "Will there be security cameras around the facility?" Town Administrator Brought stated, "Yes, there will be." She added that once the Meeting Room is built, the Police won't be able to see Town Hall and they like to monitor Town Hall also.

Terrence Coffin asked, "What is the projected construction time frame of the new building?" Town Administrator Brought stated, "Hopefully within the next two years which also depends on being able to get the supplies needed for the project." She added that she is asking for additional money from the State Bond Bill due to increased costs of supplies. Terrence Coffin asked for confirmation that the new Police Station would be at the same location. Town Administrator Brought stated, "Yes," and they can expand since they were gifted one extra lot next to Town Hall and just purchased a second lot. Councilman Truitt referred to the parking lot drawing and asked if they were going to omit the North entrance and widen the South entrance. Town Administrator stated that is their plan and would ask DelDOT to close off the two entrances and move the entrance down.

Town Administrator Brought asked if everyone was agreeable to moving forward with the construction drawings. All agreed.

b. Water Study Update

Town Administrator Brought stated the results of the Water Study were not what they were expecting but have made more progress with it now and wanted to share some scenarios with Town Council before Jean Holloway meets with them. One issue was the commercial meters were not listed correctly and Town Clerk, Stacy West corrected those, and another issue was that Jean Holloway had listed that they were using Town of Millsboro and Artesian which showed an increase in expenses for them. She added that they have been with Artesian for a full year now and have gone from paying Town of Millsboro over \$121K to paying Artesian about \$70k and received a copy of the draft from the audit that showed the Water Department making a profit for the year.

Councilman Chandler asked if Town Administrator Brought could explain the Comparison Chart. Town Administrator Brought stated that currently they charge customers \$35 and \$6 per 1,000 gallons. Other scenarios are listed that show by adjusting the base fee and amount charged usage and it's broken down depending on how many thousand gallons of water are used and based on this they can get an idea of any billing changes they would like to make.

Town Administrator Brought stated that she would invite Jean Holloway to come in to meet with the Town Council and answer any questions they have as soon as she is able to.

VII. PUBLIC COMMENT

Terrence Coffin stated that the cell phone coverage in the area is terrible and wondered if other carriers could be invited to service the area since he sees other areas close by that have cell tower antennas on top of water towers. Town Administrator Brought stated that she has been told by previous legal advisors to not allow antennas on top of our water towers and the Town still maintains the old water tower and Artesian's new tower belongs to them and they prefer not to have antennas on top of the towers. She added that she has received calls in the past from companies looking to put towers in Town, but she suggested looking at land outside of Town on County land due to having more area to work with, but she has not seen anything become of it. Terrence Coffin stated that the new water tower on Armory Road looks like an ideal spot for it. Town Administrator Bought stated that would be up to Artesian since it is their property.

VIII. ADJOURNMENT

Councilman Truitt made a motion to adjourn. Councilman Chandler seconded the motion. All were in favor.

Meeting adjourned at 6:41 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk